

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

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|--|---|----------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, and |) | |
| |) | |
| PEOPLE FIRST OF TENNESSEE, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs-Intervenors, |) | |
| |) | |
| v. |) | Civil Action: |
| |) | No. 92-2062 MI |
| STATE OF TENNESSEE, <i>et al.</i> , |) | |
| |) | |
| Defendants, and |) | |
| |) | |
| PARENT-GUARDIAN ASSOCIATIONS |) | |
| OF ARLINGTON DEVELOPMENTAL |) | |
| CENTER, |) | |
| |) | |
| Defendants-Intervenors. |) | |

**REPORT AND RECOMMENDATION FOR ENTRY OF
AN ORDER FINDING THAT DEFENDANTS HAVE COMPLETED
CERTAIN MATERIAL PROVISIONS OF THE EXIT PLAN**

Before the Court is the request of Defendants the State of Tennessee, *et al.*, made pursuant to paragraph 6 of the Agreed Order (Doc. No. 2942) and Rule 72 of the Federal Rules of Civil Procedure, for this Court to issue a Report and Recommendation that Defendants have completed certain material provisions of the Exit Plan (Doc. 2941). In particular, Defendants have requested that they be found to have completed the following provisions of the Exit Plan: Sections I.A, I.B. (except the last sentence, which the State will complete following dismissal of this action, but does not set forth a material requirement that the State must satisfy in order to

obtain vacatur of all outstanding injunctive relief and dismissal with prejudice), I.D., Sections II.B.1., II.E.1., and Section VI.B.

Based upon the information provided by the State at the compliance meeting conducted by this Court on February 20, 2013, this Court finds, and hereby recommends, that good cause exist to enter an Order holding that Defendants have complied with Sections I.A, I.B. (excepting the last sentence), I.D., Sections II.B.1., II.E.1., and Section VI.B. of the Exit Plan. Pursuant to paragraph 6 of the Agreed Order, People First and the United States have fourteen (14) days from the entry of this Report and Recommendation to file an objection to it. If no such objection is filed within the prescribed period of time, the findings in this Report and Recommendation shall be final and binding on all parties.

Respectfully submitted this 12th day of March, 2013.

s/Diane K. Vescovo
DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE